

REMARKS

Upon entry of the instant amendment, claims 1-2 and 4-7 remain pending in the above-identified application and stand ready for further action on the merits.

In this Amendment, claim 1 has been amended to recite limitations previously recited in claim 3 (and claim 3 has been canceled to prevent a redundancy with amended claim 1).

Accordingly, the present amendments to the claims do not introduce new matter into the application as originally filed. As such entry of the instant amendment and favorable action on the merits are earnestly solicited at present.

Initial Comments (re: Advisory Action)

In the Advisory Action dated March 10, 2011 at page 4, the USPTO Examiner indicates as follows:

7. Examiner agrees that Dempo do not suggest intermittently treating the aqueous solution (boric acid) with activated carbon. Examiner would like to withdraw the rejection for **claim 3 only**, however, the other claims 1, 2, 5-6 would still be rejected under Isozaki, in view of Albert, and 4 rejected under Isozaki in view of Albert and in further view of Tsuchimoto, 7 rejected under Isozaki in view of Albert, in view of Isozaki 2004'. Applicant is suggested to re-write the allowable claims including all the limitation into the independent claim.

Based on the above comments of the USPTO Examiner, in the instant reply independent claim 1 has been amended to incorporate the limitations of prior claim 3 (and claim 3 is now cancelled). Based on the instant amendment made to claim 1, it is submitted that all prior rejections relying on the cited **Dempo US'178** (US 5,512,178) reference must be reconsidered and withdrawn at present.

Provisional Double Patenting Rejection, Nonstatutory Obviousness-Type

In the Office Action issued on September 23, 2010, Claims 1-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 8-10 of copending Application No. 10/538,079.

Applicants respectfully submit herewith a Terminal Disclaimer over Application No. 10/538,079, thereby obviating the instant provisional rejection.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of the pending claims 1-2 and 4-7 is allowable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey, Reg. No. 32,881 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Director is hereby authorized in this, concurrent, and future replies to charge any fees required during the pendency of the above-identified application or credit any overpayment to Deposit Account No. 02-2448.

Dated: March 22, 2011

Respectfully submitted,

By 

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Attachment: Terminal Disclaimer over US Application No. 10/538,079